I P

G. R. S. IX-5]

Previous references.

File No. 117-19

1919-20

Serial Nos. 1 to 6

(C. B.)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 6 V

Part B for December 1919.

SUBJECT.

Construction of the Krishnarāja Sagara Reservoir on the Cauvery River in Mysore.

W D 1250—GPB—30,000 - 28-1-19

19/12/19.

G. R. S. III—1] 1919-20

GENERAL AND REVENUE SECRETARIAT.

(CB)

NOTES.

File No. 117-1

FILE HEADING.

Construction of the Krishnarajasagara Reservoir on the Cauvery river in Mysore.

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

NOTES—First She

G. R. S. III-2]

General and Revenue Secretariat.

C B File No. 167 of 1919.

Serial No.	
1	From The Joint Secretary to Govt. P. W. D. Bangalore. D.O. No. 15537/8 Dt 18-11-1919. Encl four copies of Residency Lr. Communicating the decision of the Secretary of State, with 3 sets of printed correspondence bearing on the Arbitration Madras Appeal.
2	To. The Joint Secy: P.W.D. No. 640 Dt 19-11-1919. Acknowledges receipt of the 4 copies of the Residency Lr. No. 8891 Dt 14-11-19 together with 3 sets of the principal printed papers on the subject.
3	From The Joint Secretary Cauvery Valley Irrigation D.O. No. 1565 Dt 19-11-1919. Fwd: 3 certain documents for Submission to the Dewan
4	From the above D.O. No. 15776 Dt 20-11-1919. Fwd: another set of printed papers re, Mysore Madras Arbitration together with copies of Madras Appeals.

NOTE—Contn. sheet.

(2)

K. S. 12]

General and Revenue Secretariat.

CB File No. 117 of 1919.

Serial No.	
5	From the Chief Engineer Cauvery Valley Irrigation D.O. No: 1656 Dt 3-12-1919 enclosing 3 Acts of papers re to the Cauvery Arbitration disputes were sent as detailed on the list of enclosures pnfd: To encl 3 + Head Two Acts have been issued + requests to send set I relating to the Madras Appeal to the Govt of India.
6	To the above. No 822 Dt 18-12-1919, For the above as detailed on the enclosure to letter requests to acknowledge receipt of the same with the request to send a set of these papers for reference on the Secretariat

NOTE—Contn. sheet.

GPB—25,000—22-3-15

D.O. No: 1555/E. CB 117-19-41 (3

Office of the Joint Secretary to Govtt:

Public Works Department,

Bangalore, dated the 18th November 1919.

Dear Sir,

As desired by you I am sending 4 copies of Residency letter communicating the decision of the Secretary of State.

I also send three sets of printed correspondence bearing on the Arbitration and Madras Appeal. First Member has been furnished with a set already.

Yours sincerely,

M. Krishnaiyer

To

C. S. Balasundaram Iyer, Esq, B.A.,

Chief Secretary to Government,

BANGALORE.

(4

Letter No.8891 dated 14th November 1919, from the Firs Assistant to the Resident in Mysore, Bangalore, to the Joint Secretary to the Government of Mysore, Public Works Departmen Bangalore.

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At the instance of the Government of India, I am direc ed to communicate, for the information of the Durbar, the decision at which His Majesty's Secretary of State for India ha arrived upon the appeal preferred by the Government of Madras against the ratification by the Government of India of the Arbitration Award relating to the construction of the Krishna rajasagara Reservoir on the Cauvery river in Mysore.

2. The Secretary of State holds that the Government of Madras were within their rights in appealing to him, firstly because the procedure prescribed in rule IV of the agreement of 1892 was varied in the Arbitration Proceedings and, secondly, because, while the agreement of 1892 was and is valid as between the Governments of Madras and Mysore, this does not relieve him from his general responsibility for intervening in any matter in which it seems to him that the public intere is threatened with injury, even if the possible injury would be consequent on action taken under an award given, or purpor ing to be given, under Rule IV.

3. He has further decided, for the reasons given in the Memorandum annexed, that there is a <u>prima facie</u> case for entertaining the appeal of the Government of Madras against the ratification of the award on the ground of error.

4. The Secretary of State desires that these decisions should be communicated to the Durbar, in order that it may, if it so wishes, submit a representation against the cancellation

of the ratification of the award. Should, however, the Durbar prefer to waive an appeal, it is open to it either to enter into negotiations with the Government of Madras with a view to a decision being reached out of court, or to submit the main questions to arbitration by a new tribunal without further delay. Should the action last-mentioned be taken, arbitrators should be appointed jointly by both Governments in accordance with the terms of rule IV of the agreement of 1892, and the Secretary of State has expressed his willingness to agree that, if satisfied that the proposed tribunal is suitably constituted, its decision shall not be subject to review by him.

5. I am to request that the Resident may kindly be informed as soon as may be conveniently possible, of the action which the Durbar propose to take in the matter, in order that it may be communicated to the Government of India.

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Copy

18/11/19

18/11/19

M E M O R A N D U M.

1. The Arbitrator has found on issue 2 (b) that Madras is entitled to a supply of 22,750 cusecs, equivalent to a gauge reading of 6•5 feet at the Cauvery Dam, as representing a full supply for its irrigation requirements. In order to ascertain the correctness or otherwise of this finding, it is necessary to examine whether the facts show that any portion of the water passed down the Cauvery in excess of the amount stated is or was in excess of the amount required for irrigation, and is or was in consequence run to waste.

2. It appears clear that, so long as there was no control over the water entering the open heads of the Cauvery and Vennar branches, that is, in the period anterior to the construction of the Cauvery - Vennar Regulators in 1888 and the closing of the old Vennar channel in 1894, supplies in excess of irrigation requirements were unavoidably passed down these branches and wasted in whole or part.

3. In 1888 falling shutters were fixed on the crest of the Grand Anikat. These shutters fell automa-tically when the upstream level reached their top, and when once they had fallen it was very difficult and even dangerous to attempt to lift them until the depth of water passing over them had been considerably reduced. The immediate result of the shutters falling was to reduce the upstream level and consequently the supplies to the Cauvery and Vennar branches until, therefore, the nature of the flood had declared itself, it was desirable that the shutters should be kept standing as long as possible, by passing the flood water down the Cauvery and Vennar branches and so ~~providing~~ preventing the upstream raising to the level at which the shutters would automatically fall. So

long as these conditions existed, that is, from 1888 to 1902, water during flood was thus constantly passed into the Cauvery and Vennar branches in excess of irrigation requirements.

4. After the remodelling of the Grand Anikat in 1902, complete control over the flood water was obtained; the supply necessary for irrigation requirements could be maintained, and any excess passed over the Grand Anikat into the Coleroon. From the Tables showing the actual working at the Grand Anikat from 1902 to 1911, it is clear that, without opening the Grand Anikat sluices, gauges of 7 feet at the Cauvery Dam (that is, 26,500 cusecs) were constantly run when water was available in the river, and gauges of 7.5 feet (32,250 cusecs) were often run on special occasions. It is to be infurred either that the quantity of water connoted by a 7 feet gauge at the Cauvery Dam was constantly required for irrigation, and that the supply connoted by a gauge of 7.5 feet was required on special occasions, or that, if a gauge of 6.5 feet (22,750 cusecs) was sufficient, the Madras Engineers must have deliberately and uselessly passed into the Delta excess of 3,750 cusecs in one case and 9,500 cusecs in the other, instead of passing them over the Grand Anikat into the Coleroon. The latter alternative cannot be accepted without convincing evidence, which has not been produced. Evidence to the contrary effect is supplied by the fact that Rule IV of the rules of 1905 for Regulation at the Upper Anicut reads, "Should water fall below 7 feet in the Cauvery" dam with the shutters close leakage should be prevented as far "as possible by means of clay and straw". This clearly shows that up to a gauge of 7 feet on the Cauvery Dam supplies were required for irrigation.

5. When gauges between 7 feet and 7.5 feet were passed into the delta they were probably useful for irrigation after periods of low gauges in order to send flushes down the delta branches. But it is not necessary to ~~peruse~~ persue this point, which goes beyond the claim submitted by the Madras Government to th Arbitrator.

6. The conclusions are:-

(1) that, before the remodelling in 1902, water was const antly passed into the Cauvery and Vennar branches in excess of irrigation requirements and was run to waste;

(2) that after the remodelling in 1902, the water that was passed down the Cauvery in excess of 6.5 feet at the Cauvery Dam and up to 7 feet was required for irrigation

(3) that after the remodelling in 1902, the water that was passed down the Cauvery in excess of 7 feet at the Cauvery Dam and up to 7.5 feet was not always consumed for irrigation but, it probably facilitated the irriga- tion operations in the delta after periods of low floods by enabling advantage to be taken of the flushes in the river. These conclusions are at variance which the find ing of the arbitrator.

7. The arbitrator appears to have been mislead in part by the xxx views stated in the Assessor's Examination of the evidence on issue 2 (b) regarding the intention and effect of the opening of the under sluices of the Upper Anikat. In paras 20 to 22 he gives calculations from which it is evident that he assumed that when, under the rules of 1882, the sluices in the Upper Anikat were opened for scour (as soon as the gauge at the Cauvery Dam reached, in ordinary conditions, 6.5 feet or, after a defined period of scarcity 7 feet), the

gauge would steadily fall to 6 feet, when the sluices would be closed. This assumption is not proved. The record of the actual gauge readings at the Cauvery Dam shows that after the opening of the sluices of the Upper Anikat the gauge frequently continued to rise or remained fairly steady. Moreover, para. 30 of Exhibit Ma.8 shows that the Rules of 1882 for the working of the Upper Anikat sluices lead generally in actual practice to a gauge reading of 7 feet being realised on the Cauvery Dam before sluices were opened. In 1896, the rules were revised so as to raise the gauge limits to 7 and 8 feet.

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19/1/17

C 817-1912 (10

No. 640
CB

Dt 19-11-1919

Dear Sir,

I acknowledge with thanks the receipt of the 4 copies of the Residency letter No 8591 R 14/11/19 on the Krishnarajsagara ~~Works~~ Reservoir together with the 3 Sets of the principal printed papers in the Subject forwarded with your D.O No 1555 FC of yesterday.

Kindly send another Set of the principal printed papers and oblige

Yours Sincerely

ex signed

Secretary

K. Krishna Iyengar, Esq
Joint Secy P.W.D

No.

(11)

D.O. no 1565/Gr(3) bmdlesaskrlish. 6117-19 dt 3

Office of the Chief Engineer,
Cauvery Valley Irrigation,
Bangalore, Dated 19th November 1 9 1 9.

Dear Sir, Immediate

In compliance with the request contained in your D.O. letter of 14th instant, I send herewith the following documents for submission to the Dewan Saheb

1. A printed note on the Mysore-Madras Cauvery Arbitration Case.

This was recently prepared by Mr. M. G. Rangaiya under my instructions as desired by the acting Dewan Mr. Banerji. The note embodies a brief but clear statement of the modifications urged by Madras Government in their appeal and the arguments put forth by us against the same in our representation to the Government of India and to be reiterated in our appeal to the Secretary of State for India.

2. A detailed note by the Chief Engineer on Special Duty being the draft reply to the Madras appeal.

3. Draft letter to the Residency for forwarda

List of enclosures to the Joint Secretary's D.O. letter No.1565 dated the 19th November 1919.

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I. MYSORE-MADRAS APPEAL TO THE GOVERNMENT OF INDIA.

1. Madras Letter No.200.I dated 21st April 1915.
2. Note by the Madras Chief Engineer. Issue 2 (b).
3. -do- Issue 3 (a).
4. -do- Issues 3 (a), 3 (b) & 4
5. Mr. S. D. Pear's Note.
6. Tanjore Ryots' Memorial.
7. Correspondence connected with the French Irrigation.
8. Mysore reply Pol. No.545 dated 30th Nov. 1915 with Mysore Chief Engineer's Note. Contains full details of Mysore case ... arguments ...
9. Madras letter No.115-I dated 30th March 1916 with Madras Chief Engineer's Note.
10. Mysore Pol. No.18 dated 6th July 1915 with Note by Mysore Chief Engineer.
11. Madras rejoinder dated 8th January 1916.
12. Mysore Pol. No.759 dated 31st January 1916 with Mysore Chief Engineer's Note.
13. Ratification Order by the Government of India.

II. MADRAS APPEAL TO THE RIGHT HON'BLE THE SECRETARY OF STATE.

1. Residency letter No.4145 dated 25th May 1917 with 5 enclosures
2. -do-No.4298 dated 2nd June 1917 with one enclosur
3. Mysore P. W. Secretary's No.1331/6915 dated 30th June 1917/E.2
4. Residency letter No. 7449 dated 28th September 1917 with the following papers.
   - Despatch 1 - I dated 26th July 1916.
   - Despatch 1 - I dated 29th March 1917.
   - Despatch 3 - I dated 2nd May 1917.
   - Despatch 5 - I dated 2nd May 1917.
5. Sir John Benton's Note.
6. Residency No.9713 dated 24th December 1917.
7. Mysore P. W. Secretary's No.297/1438 dated 31st January 1918.
8. -do- No.570/3160 dated 9th March 1918 with Mysore Chief Engineer's Note

(13

III. NOTES.

1. AAprinted Note on the Mysore Madras Cauvery Arbitration C

2. A detailed Note by the Chief Engineer on Special Duty being a draft reply to the Madras appeal.

3. Draft letter to the Residency for farwardal of the above.

4. A concise summary of the case.

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19/11/19

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D.O no 1576 Encl 4 Form Bundle C B 117-19-44.

Office of the Joint Secretary to Goverment,

Public Works Department,

Bangalore, dated the 20th November 1919.

Dear Sir,

In compliance with your D. O. letter No. 640 C.B

3 Volumes of Arbitration Proceedings 3 " Select papers of correspondence. A brief note of the Mysore - Madras Cauvery Arbitration Case. Letter No. 570/3160 dated 9-3-1918, from the P.W. Secretary to the Residency with the Memorandum showing cause for the inadmissibility of the Madras Appeal. 4 Copies of Madras representation to the Government of India on the award of the Arbitrator. 4 Typed copies of the Madras Appeal to the Secretary of State for India.	dated the 19th November 1919, I have sent herewith another set the marginal

noted principal printed papers &c., Mysore - Madras Arbitration together with copies of Madras Appeals.

Yours Sincerely,

H. Thompson

To

C. S. Balasundaram Iyer, Esq., B.A.,
Chief Secretary to Government,
B a n g a l o r e.

D.O. No. 1656 Gen(1)

C.B. 117-19-5

Office of the Chief Engineer,

Cauvery Valley Irrigation,

Bangalore, dated the 3rd December 1 9 1 9.

Dear Mr. Balasundaram Iyer,

Three sets of papers relating to the Cauvery Arbitration dispute were sent with this Office D.O. letter No. 1565 dated 19th November 1919, which have been detailed in the list of enclosures that accompan-ed the D.O. letter.

Of these only two sets (II & III) have been returned to this Office and the remaining one (I relating to the Madras Appeal to the Government of India) has not been received in this Office. Papers in set I not received are noted in the accompanying list. I shall feel obliged if it is also returned.

Yours Sincerely,

M. Visvesvaraya

List of enclosures to the Joint Secretary's D.O. letter No. 1565 d the 19th November 1919.

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I. MADRAS APPEAL TO THE GOVERNMENT OF INDIA.

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6. Tanjore Ryot's Memorial.
7. Correspondence connected with the French Irrigation.
8. Mysore reply Pol. No. 545 dated 30th November 1915 with Mysore Chief Engineer's Note.
9. Madras letter No. 115-I dated 30th March 191[illegible] with Madras Chief Engi Note.
0. Mysore Pol. No. 18 dated 6th July 1915 with the Note by Mysore Chief E
1. Madras Rejoinder dated 8th January 1916.
2. Mysore Pol. No. 759 dated 31st January 1916 with Mysore Chief Engineer Note.
3. Ratification Order by the Government of India.

CB/1719

C.O. 822/CB/13 (In packet)

1st Dec 1919

Dear Sir,

With reference to your letter No 1656 of the 3rd inst, I return herewith certain printed papers relating to the banana Administration Dispute as per details given in the accompanying list. The receipt of the papers may be kindly acknowledged.

One set of the papers may be kindly sent for reference in this Secretariat

Yours faithfully

[illegible]

Chief Secretary

R. B. Vi Krishna Iyengar, Esq.,
Chief Clerk, Camorin Valley
Irrigation & Land Settlement Dept

(17)

List of enclosures sent to the Joint Secretary, P.W.D., with D.O. No. 822 C.S./Cons/13 dated, 17th December 1919. 18

I. MADRAS APPEAL TO THE GOVERNMENT OF INDIA.

1. Madras letter No.200.1 dated 21st April 1915.
2. Note by the Madras Chief Engineer. Issue 2 (b)
3. --do-- Issue 3 (a).
4. --do-- Issues 3 (a), 3 (b) & 4.
5. Mr. S. D. Pear's Note.
6. Tanjore Ryot's Memorial.
7. Correspondence connected with the French Irrigation.
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9. Madras letter No.115-I dated 30th March 1916 with Madras Chief Engineer's Note.
10. Mysore Pol. No.18 dated 6th July 1915 with the Note by Mysore Chief Engr.
11. Madras Rejoinder dated 8th January 1916.
12. Mysore Pol. No.759 dated 31st January 1916 with Mysore Chief Engineer's Note.
13. Ratification Order by the Government of India.